

REMARKS

Reconsideration is respectfully requested in light of the foregoing amendments and remarks which follow is respectfully requested.

Claims 1-4 and 7-8 are before the Examiner. Claims 5 and 6 are canceled. Claims 1 and 2 are amended. Claim 1 has been amended to delete reference to the canceled claims. Claim 2 has been amended to include the subject matter of claim 5. (Claim 6, as written, would be duplicative.) The product claim of claim 1 is commensurate in scope with the results presented in Table 2, the passage on page 7, at lines 14 -26 and the process described in Example 3. The results of Example 3 were deemed by the Examiner to be unexpected. See page 4 of the Office Action

The rejection of claims 1-8 are rejected under 53 USC 103(a) as being unpatentable over Barthel et al. (USPP 2003/0138715) further in view of Nargiello et al. (USP 6193795) was withdrawn by the Examiner. See page two of the Office Action.

Claims 1-4, 7 and 8 are rejected under 53 USC 102(b) as being anticipated by Barthel et al. (USPP 2003/0138715) Applicants respectfully traverse.

Claim 2 has been amended to include the subject matter of claims 5 and 6, which were found to be free of the rejection. The amendment of claim 2 renders the rejection moot. Withdrawal of the rejection is requested.

Claims 1-8 are rejected under 53 USC 103(a) as being unpatentable over Hartmann et al. (USP 5,595,005) in view of Fitzgerald et al. (USP 5,623,028). Applicants respectfully traverse.

Claim 2 has been amended in a manner substantially similar to that suggested by the Examiner. The Examiner deemed the changes would avoid the teachings of Hartmann et al. See the first complete paragraph on page 4 of the Office Action.

As noted earlier, the instant Example 3 results were deemed unexpected. It is submitted

that these results demonstrate that a product produced in the claimed manner possess unexpected tear resistance properties and thereby distinguish the product over products prepared in a similar manner but without the post grinding and heat treatment steps.

In light of the amendments to the claims, withdrawal of the rejection is respectfully requested.

Request for Interview

Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 032301.615 (39509.236168).**

Respectfully submitted,
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